

109TH CONGRESS
1ST SESSION

H. R. 3889

To further regulate and punish illicit conduct relating to methamphetamine,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2005

Mr. SOUDER (for himself, Mr. SENSENBRENNER, Mr. BLUNT, Mr. COBLE, Mr. CALVERT, Mr. LARSEN of Washington, Mr. BOSWELL, Mr. KENNEDY of Minnesota, Mr. CANNON, Ms. HOOLEY, Mr. BAIRD, Mr. OSBORNE, Mr. CARDOZA, Mr. CASE, Mr. ROGERS of Alabama, Mr. LEWIS of Kentucky, Mr. BURTON of Indiana, Mr. SMITH of Texas, Mr. BACHUS, Mr. PETERSON of Pennsylvania, Mr. BOREN, Ms. HERSETH, Mr. FRANKS of Arizona, Mr. ABERCROMBIE, Mr. WALDEN of Oregon, Mr. REICHERT, Mr. WAMP, Mr. MCHENRY, Mr. GRAVES, Mr. PETERSON of Minnesota, Mr. TERRY, Mr. SCHWARZ of Michigan, Miss MCMORRIS, and Ms. GRANGER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, International Relations, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To further regulate and punish illicit conduct relating to
methamphetamine, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Methamphetamine Epidemic Elimination Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DOMESTIC REGULATION OF PRECURSOR CHEMICALS

Sec. 101. Regulated transactions in methamphetamine precursor chemical products.

Sec. 102. Authority to establish production quotas.

Sec. 103. Penalties; authority for manufacturing; quota.

Sec. 104. Restrictions on importation; authority to permit imports for medical, scientific, or other legitimate purposes.

Sec. 105. Notice of importation or exportation; approval of sale or transfer by importer or exporter.

Sec. 106. Enforcement of restrictions on importation and of requirement of notice of transfer.

TITLE II—INTERNATIONAL REGULATION OF PRECURSOR CHEMICALS

Sec. 201. Information on foreign chain of distribution; import restrictions regarding failure of distributors to cooperate.

Sec. 202. Requirements relating to the largest exporting and importing countries of certain precursor chemicals.

Sec. 203. Prevention of smuggling of methamphetamine into the United States from Mexico.

TITLE III—ENHANCED CRIMINAL PENALTIES FOR METHAMPHETAMINE PRODUCTION AND TRAFFICKING

Sec. 301. Enhanced penalties for methamphetamine production, possession, or trafficking.

Sec. 302. Smuggling methamphetamine or methamphetamine precursor chemicals into the united states while using facilitated entry programs.

Sec. 303. Manufacturing controlled substances on Federal property.

Sec. 304. Increased punishment for methamphetamine kingpins.

TITLE IV—ENHANCED ENVIRONMENTAL REGULATION OF METHAMPHETAMINE BY-PRODUCTS

Sec. 401. Designation of by-products of methamphetamine laboratories as hazardous materials and waste under Hazardous Materials Transportation Act and Solid Waste Disposal Act.

Sec. 402. Cleanup costs.

1 **TITLE I—DOMESTIC REGULA-**
2 **TION OF PRECURSOR CHEMI-**
3 **CALS**

4 **SEC. 101. REGULATED TRANSACTIONS IN METHAMPHET-**
5 **AMINE PRECURSOR CHEMICAL PRODUCTS.**

6 (a) REDUCTION OF RETAIL SALES THRESHOLD.—
7 Section 102(39)(A)(iv)(II) of the Controlled Substances
8 Act (21 U.S.C. 802(39)(A)(iv)(II)) is amended by striking
9 “shall be 9 grams” and all that follows and inserting the
10 following: “shall be any quantity of pseudoephedrine over
11 3.6 grams in a single transaction, or any quantity of phen-
12 ylpropanolamine over 3.6 grams in a single transaction,
13 and in addition shall be, in the case of such products in
14 nonliquid form, that the products be packaged in blister
15 packs, each blister containing not more than 2 dosage
16 units, or where the use of blister packs is technically infea-
17 sible, packaged in unit dose packets or pouches.”

18 (b) ELIMINATION OF BLISTER PACK EXEMPTION.—
19 (1) REGULATED TRANSACTION.—Section
20 102(39)(A)(iv)(I)(aa) of the Controlled Substances
21 Act (21 U.S.C. 802(39)(A)(iv)(I)(aa)) is amended by
22 striking “, except that” and all that follows through
23 “1996)”.

1 (2) DEFINITION; CONFORMING AMENDMENTS.—

2 The Controlled Substances Act (21 U.S.C. 801 et
3 seq.) is amended—

4 (A) in section 102—

5 (i) by striking paragraph (45); and

6 (ii) by redesignating paragraph (46)

7 as paragraph (45);

8 (B) in section 204(e), by striking “shall”

9 the first time it appears and inserting “may”;

10 and

11 (C) in section 310(b)(3)(D)(ii), by striking

12 “102(46)” and inserting “102(45)”.

13 (c) PUBLIC LAW 104–237.—Section 401 of the Com-

14 prehensive Methamphetamine Control Act of 1996 (21

15 U.S.C. 802 note) (Public Law 104–237) is amended by

16 striking subsections (d), (e), and (f).

17 (d) COMBINATIONS INVOLVING DERIVATIVES.—Sec-

18 tion 102(39) of the Controlled Substances Act (21 U.S.C.

19 802(39)) is amended—

20 (1) in subparagraph (A)(iv)(I)(aa), by striking

21 “the drug contains” and all that follows through

22 “unless otherwise provided” and inserting the fol-

23 lowing: “the drug contains ephedrine,

24 pseudoephedrine, or phenylpropanolamine unless

25 otherwise provided”; and

1 (2) by inserting after and below subparagraph
2 (B) the following:

3 “Each reference in subparagraph (A)(iv) to ephedrine,
4 pseudoephedrine, or phenylpropanolamine includes each of
5 the salts, optical isomers, and salts of optical isomers of
6 such chemical.”.

7 **SEC. 102. AUTHORITY TO ESTABLISH PRODUCTION**
8 **QUOTAS.**

9 Section 306 of the Controlled Substances Act (21
10 U.S.C. 826) is amended—

11 (1) in subsection (a), by inserting “and for
12 ephedrine, pseudoephedrine, and phenylpropanola-
13 mine” after “for each basic class of controlled sub-
14 stance in schedules I and II”;

15 (2) in subsection (b), by inserting “or for
16 ephedrine, pseudoephedrine, or phenylpropanola-
17 mine” after “for each basic class of controlled sub-
18 stance in schedule I or II” each place such term ap-
19 pears;

20 (3) in subsection (c), in the first sentence, by
21 inserting “and for ephedrine, pseudoephedrine, and
22 phenylpropanolamine” after “for the basic classes of
23 controlled substances in schedules I and II”;

1 (4) in subsection (d), by inserting “or ephed-
2 rine, pseudoephedrine, or phenylpropanolamine”
3 after “that basic class of controlled substance”;

4 (5) in subsection (e), by inserting “or for
5 ephedrine, pseudoephedrine, or phenylpropanola-
6 mine” after “for a basic class of controlled sub-
7 stance in schedule I or II” each place such term ap-
8 pears;

9 (6) in subsection (f)—

10 (A) by inserting “or ephedrine,
11 pseudoephedrine, or phenylpropanolamine”
12 after “controlled substances in schedules I and
13 II”;

14 (B) by inserting “or of ephedrine,
15 pseudoephedrine, or phenylpropanolamine”
16 after “the manufacture of a controlled sub-
17 stance”; and

18 (C) by inserting “or chemicals” after
19 “such incidentally produced substances”; and

20 (7) by adding at the end the following sub-
21 section:

22 “(g) Each reference in this section to ephedrine,
23 pseudoephedrine, or phenylpropanolamine includes each of
24 the salts, optical isomers, and salts of optical isomers of
25 such chemical.”.

1 **SEC. 103. PENALTIES; AUTHORITY FOR MANUFACTURING;**
2 **QUOTA.**

3 Section 402(b) of the Controlled Substances Act (21
4 U.S.C. 842(b)) is amended by inserting after “manufac-
5 ture a controlled substance in schedule I or II” the fol-
6 lowing: “, or ephedrine, pseudoephedrine, or phenyl-
7 propanolamine or any of the salts, optical isomers, or salts
8 of optical isomers of such chemical,”.

9 **SEC. 104. RESTRICTIONS ON IMPORTATION; AUTHORITY TO**
10 **PERMIT IMPORTS FOR MEDICAL, SCIENTIFIC,**
11 **OR OTHER LEGITIMATE PURPOSES.**

12 Section 1002(a) of the Controlled Substances Import
13 and Export Act (21 U.S.C. 952(a)) is amended—

14 (1) in the matter preceding paragraph (1), by
15 inserting “or ephedrine, pseudoephedrine, or phenyl-
16 propanolamine,” after “schedule III, IV, or V of title
17 II,”;

18 (2) in paragraph (1), by inserting “, and of
19 ephedrine, pseudoephedrine, and phenylpropanola-
20 mine, ” after “coca leaves”; and

21 (3) by adding at the end the following sub-
22 sections:

23 “(d)(1) With respect to a registrant under section
24 1008 who is authorized under subsection (a)(1) to import
25 ephedrine, pseudoephedrine, or phenylpropanolamine, at
26 any time during the year the registrant may apply for an

1 increase in the amount of such chemical that the reg-
2 istrant is authorized to import, and the Attorney General
3 may approve the application if the Attorney General deter-
4 mines that the approval is necessary to provide for med-
5 ical, scientific, or other legitimate purposes regarding the
6 chemical.

7 “(2) With respect to the application under paragraph
8 (1):

9 “(A) Not later than 60 days after receiving the
10 application, the Attorney General shall approve or
11 deny the application.

12 “(B) In approving the application, the Attorney
13 General shall specify the period of time for which
14 the approval is in effect, or shall provide that the
15 approval is effective until the registrant involved is
16 notified in writing by the Attorney General that the
17 approval is terminated.

18 “(C) If the Attorney General does not approve
19 or deny the application before the expiration of the
20 60-day period under subparagraph (A), the applica-
21 tion is deemed to be approved, and such approval re-
22 mains in effect until the Attorney General notifies
23 the registrant in writing that the approval is termi-
24 nated.

1 “(e) Each reference in this section to ephedrine,
2 pseudoephedrine, or phenylpropanolamine includes each of
3 the salts, optical isomers, and salts of optical isomers of
4 such chemical.”.

5 **SEC. 105. NOTICE OF IMPORTATION OR EXPORTATION; AP-**
6 **PROVAL OF SALE OR TRANSFER BY IM-**
7 **PORTER OR EXPORTER.**

8 (a) IN GENERAL.—Section 1018 of the Controlled
9 Substances Import and Export Act (21 U.S.C. 971) is
10 amended—

11 (1) in subsection (b)(1), in the first sentence,
12 by striking “or to an importation by a regular im-
13 porter” and inserting “or to a transaction that is an
14 importation by a regular importer”;

15 (2) by redesignating subsections (d) and (e) as
16 subsections (e) and (f), respectively; and

17 (3) by inserting after subsection (c) the fol-
18 lowing subsection:

19 “(d)(1)(A) Information provided in a notice under
20 subsection (a) or (b) shall include the name of the person
21 to whom the importer or exporter involved intends to
22 transfer the listed chemical involved.

23 “(B) In the case of a notice under subsection (b) sub-
24 mitted by a regular importer, if the transferee identified
25 in the notice is not a regular customer, such importer may

1 not transfer the listed chemical until after the expiration
2 of the 15-day period beginning on the date on which the
3 notice is submitted to the Attorney General.

4 “(C) After a notice under subsection (a) or (b) is sub-
5 mitted to the Attorney General, if circumstances change
6 and the importer or exporter will not be transferring the
7 listed chemical to the transferee identified in the notice,
8 the importer or exporter shall update the notice to identify
9 the most recent prospective transferee and may not trans-
10 fer the listed chemical until after the expiration of the 15-
11 day period beginning on the date on which the update is
12 submitted to the Attorney General, except that such 15-
13 day restriction does not apply if the prospective transferee
14 identified in the update is a regular customer. The pre-
15 ceding sentence applies with respect to changing cir-
16 cumstances regarding a transferee identified in an update
17 to the same extent and in the same manner as such sen-
18 tence applies with respect to changing circumstances re-
19 garding a transferee identified in the original notice under
20 subsection (a) or (b).

21 “(D) In the case of a transfer of a listed chemical
22 that is subject to a 15-day restriction under subparagraph
23 (B) or (C), the transferee involved shall, upon the expira-
24 tion of the 15-day period, be considered to qualify as a

1 regular customer, unless the Attorney General otherwise
2 notifies the importer or exporter involved in writing.

3 “(2) With respect to a transfer of a listed chemical
4 with which a notice or update referred to in paragraph
5 (1) is concerned:

6 “(A) The Attorney General, in accordance with
7 the same procedures as apply under subsection
8 (c)(2)—

9 “(i) may order the suspension of the trans-
10 fer of the listed chemical by the importer or ex-
11 porter involved, except for a transfer to a reg-
12 ular customer, on the ground that the chemical
13 may be diverted to the illegal or clandestine
14 manufacture of a controlled substance, subject
15 to the Attorney General ordering such suspen-
16 sion before the expiration of the 15-day period
17 referred to in paragraph (1) with respect to the
18 importation or exportation (in any case in
19 which such a period applies); and

20 “(ii) may, for purposes of clause (i) and
21 paragraph (1), disqualify a regular customer on
22 such ground.

23 “(B) From and after the time when the Attor-
24 ney General provides written notice of the order
25 under subparagraph (A) (including a statement of

1 the legal and factual basis for the order) to the im-
2 porter or exporter, the importer or exporter may not
3 carry out the transfer.

4 “(3) For purposes of this subsection:

5 “(A) The terms ‘importer’ and ‘exporter’ mean
6 a regulated person who imports or exports a listed
7 chemical, respectively.

8 “(B) The term ‘transfer’, with respect to a list-
9 ed chemical, includes the sale of the chemical.

10 “(C) The term ‘transferee’ means a person to
11 whom an importer or exporter transfers a listed
12 chemical.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) IN GENERAL.—Section 1010(d)(5) of the
15 Controlled Substances Import and Export Act (21
16 U.S.C. 960(d)(5)) is amended by striking “section
17 1018(e)(2) or (3)” and inserting “paragraph (2) or
18 (3) of section 1018(f)”.

19 (2) CONTROLLED SUBSTANCES ACT.—Section
20 310(b)(3)(D)(v) of the Controlled Substances Act
21 (21 U.S.C. 830(b)(3)(D)(v)) is amended by striking
22 “section 1018(e)(2)” and inserting “section
23 1018(f)(2)”.

1 **SEC. 106. ENFORCEMENT OF RESTRICTIONS ON IMPORTA-**
2 **TION AND OF REQUIREMENT OF NOTICE OF**
3 **TRANSFER.**

4 Section 1010(d)(6) of the Controlled Substances Im-
5 port and Export Act (21 U.S.C. 960(d)(6)) is amended
6 to read as follows:

7 “(6) imports a listed chemical in violation of
8 section 1002, imports or exports such a chemical in
9 violation of section 1007 or 1018, or transfers such
10 a chemical in violation of section 1018(d); or”.

11 **TITLE II—INTERNATIONAL REG-**
12 **ULATION OF PRECURSOR**
13 **CHEMICALS**

14 **SEC. 201. INFORMATION ON FOREIGN CHAIN OF DISTRIBU-**
15 **TION; IMPORT RESTRICTIONS REGARDING**
16 **FAILURE OF DISTRIBUTORS TO COOPERATE.**

17 Section 1018 of the Controlled Substances Import
18 and Export Act (21 U.S.C. 971), as amended by section
19 105(a) of this Act, is further amended by adding at the
20 end the following subsection:

21 “(g)(1) With respect to a registered person importing
22 ephedrine, pseudoephedrine, or phenylpropanolamine (re-
23 ferred to in this section as an ‘importer’), a notice of im-
24 portation under subsection (a) or (b) shall include all in-
25 formation known to the importer on the chain of distribu-

1 tion of such chemical from the manufacturer to the im-
2 porter.

3 “(2) For the purpose of preventing or responding to
4 the diversion of ephedrine, pseudoephedrine, or phenyl-
5 propanolamine for use in the illicit production of meth-
6 amphetamine, the Attorney General may, in the case of
7 any person who is a manufacturer or distributor of such
8 chemical in the chain of distribution referred to in para-
9 graph (1) (which person is referred to in this subsection
10 as a ‘foreign-chain distributor’), request that such dis-
11 tributor provide to the Attorney General information
12 known to the distributor on the distribution of the chem-
13 ical, including sales.

14 “(3) If the Attorney General determines that a for-
15 eign-chain distributor is refusing to cooperate with the At-
16 torney General in obtaining the information referred to in
17 paragraph (2), the Attorney General may, in accordance
18 with procedures that apply under subsection (c), issue an
19 order prohibiting the importation of ephedrine,
20 pseudoephedrine, or phenylpropanolamine in any case in
21 which such distributor is part of the chain of distribution
22 for such chemical. Not later than 60 days prior to issuing
23 the order, the Attorney General shall publish in the Fed-
24 eral Register a notice of intent to issue the order. During
25 such 60-day period, imports of the chemical with respect

1 to such distributor may not be restricted under this para-
2 graph.”.

3 **SEC. 202. REQUIREMENTS RELATING TO THE LARGEST EX-**
4 **PORTING AND IMPORTING COUNTRIES OF**
5 **CERTAIN PRECURSOR CHEMICALS.**

6 (a) REPORTING REQUIREMENTS.—Section 489(a) of
7 the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a))
8 is amended by adding at the end the following new para-
9 graph:

10 “(8)(A) A separate section that contains the
11 following:

12 “(i) An identification of the five countries
13 that exported the largest amount of
14 pseudoephedrine, ephedrine, and phenyl-
15 propanolamine (including the salts, optical iso-
16 mers, or salts of optical isomers of such chemi-
17 cals, and also including any products or sub-
18 stances containing such chemicals) during the
19 preceding calendar year.

20 “(ii) An identification of the five countries
21 that imported the largest amount of the chemi-
22 cals described in clause (i) during the preceding
23 calendar year and have the highest rate of di-
24 version of such chemicals for use in the illicit

1 production of methamphetamine (either in that
2 country or in another country).

3 “(iii) An economic analysis of the total
4 worldwide production of the chemicals described
5 in clause (i) as compared to the legitimate de-
6 mand for such chemicals worldwide.

7 “(B) The identification of countries that im-
8 ported the largest amount of chemicals under sub-
9 paragraph (A)(ii) shall be based on the following:

10 “(i) An economic analysis that estimates
11 the legitimate demand for such chemicals in
12 such countries as compared to the actual or es-
13 timated amount of such chemicals that is im-
14 ported into such countries.

15 “(ii) The best available data and other in-
16 formation regarding the production of meth-
17 amphetamine in such countries and the diver-
18 sion of such chemicals for use in the production
19 of methamphetamine.”.

20 (b) ANNUAL CERTIFICATION PROCEDURES.—Section
21 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C.
22 2291j(a)) is amended—

23 (1) in paragraph (1), by striking “major illicit
24 drug producing country or major drug-transit coun-
25 try” and inserting “major illicit drug producing

1 country, major drug-transit country, or country
2 identified pursuant to clause (i) or (ii) of section
3 489(a)(8)(A) of this Act”; and

4 (2) in paragraph (2), by inserting after “(as de-
5 termined under subsection (h))” the following: “or
6 country identified pursuant to clause (i) or (ii) of
7 section 489(a)(8)(A) of this Act”.

8 (c) CONFORMING AMENDMENT.—Section 706 of the
9 Foreign Relations Authorization Act, Fiscal Year 2003
10 (22 U.S.C. 2291j-1) is amended in paragraph (5) by add-
11 ing at the end the following:

12 “(C) Nothing in this section shall affect the re-
13 quirements of section 490 of the Foreign Assistance
14 Act of 1961 (22 U.S.C. 2291j) with respect to coun-
15 tries identified pursuant to section clause (i) or (ii)
16 of 489(a)(8)(A) of the Foreign Assistance Act of
17 1961.”.

18 (d) PLAN TO ADDRESS DIVERSION OF PRECURSOR
19 CHEMICALS.—In the case of each country identified pur-
20 suant to clause (i) or (ii) of section 489(a)(8)(A) of the
21 Foreign Assistance Act of 1961 (as added by subsection
22 (a)) with respect to which the President has not trans-
23 mitted to Congress a certification under section 490(b) of
24 such Act (22 U.S.C. 2291j(b)), the Secretary of State, in
25 consultation with the Attorney General, shall, not later

1 than 180 days after the date on which the President trans-
2 mits the report required by section 489(a) of such Act (22
3 U.S.C. 2291h(a)), submit to Congress a comprehensive
4 plan to address the diversion of the chemicals described
5 in section 489(a)(8)(A)(i) of such Act to the illicit produc-
6 tion of methamphetamine in such country or in another
7 country, including the establishment, expansion, and en-
8 hancement of regulatory, law enforcement, and other in-
9 vestigative efforts to prevent such diversion.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Secretary of State
12 to carry out section 489(a)(8) of the Foreign Assistance
13 Act of 1961 (as added by subsection (a)) \$1,000,000 for
14 each of the fiscal years 2006 and 2007.

15 **SEC. 203. PREVENTION OF SMUGGLING OF METHAMPHET-**
16 **AMINE INTO THE UNITED STATES FROM MEX-**
17 **ICO.**

18 (a) IN GENERAL.—The Secretary of State, acting
19 through the Assistant Secretary of the Bureau for Inter-
20 national Narcotics and Law Enforcement Affairs, shall
21 take such actions as are necessary to prevent the smug-
22 gling of methamphetamine into the United States from
23 Mexico.

24 (b) SPECIFIC ACTIONS.—In carrying out subsection
25 (a), the Secretary shall—

1 (1) improve bilateral efforts at the United
2 States-Mexico border to prevent the smuggling of
3 methamphetamine into the United States from Mex-
4 ico;

5 (2) seek to work with Mexican law enforcement
6 authorities to improve the ability of such authorities
7 to combat the production and trafficking of meth-
8 amphetamine, including by providing equipment and
9 technical assistance, as appropriate; and

10 (3) encourage the Government of Mexico to
11 take immediate action to reduce the diversion of
12 pseudoephedrine by drug trafficking organizations
13 for the production and trafficking of methamphet-
14 amine.

15 (c) REPORT.—Not later than one year after the date
16 of the enactment of this Act, and annually thereafter, the
17 Secretary shall submit to the appropriate congressional
18 committees a report on the implementation of this section
19 for the prior year.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary to carry
22 out this section \$4,000,000 for each of the fiscal years
23 2006 and 2007.

1 **TITLE III—ENHANCED CRIMINAL**
2 **PENALTIES FOR METH-**
3 **AMPHETAMINE PRODUCTION**
4 **AND TRAFFICKING**

5 **SEC. 301. ENHANCED PENALTIES FOR METHAMPHETAMINE**
6 **PRODUCTION, POSSESSION, OR TRAF-**
7 **FICKING.**

8 (a) MANUFACTURE, DISTRIBUTION, DISPENSATION,
9 OR CERTAIN POSSESSION OF METHAMPHETAMINE.—Sec-
10 tion 401 of the Controlled Substances Act (21 U.S.C. 841)
11 is amended—

12 (1) in subsection (b)(1)(A)(viii)—

13 (A) by striking “50 grams” and inserting
14 “5 grams”; and

15 (B) by striking “500 grams” and inserting
16 “50 grams”; and

17 (2) in subsection (b)(1)(b)(viii)—

18 (A) by striking “5 grams” and inserting
19 “3 grams”; and

20 (B) by striking “50 grams” and inserting
21 “30 grams”.

22 (b) IMPORTATION OR EXPORTATION OF METH-
23 AMPHETAMINE.—Section 1010 of the Controlled Sub-
24 stances Import and Export Act (21 U.S.C. 960) is amend-
25 ed—

1 (1) in subsection (b)(1)(H)—

2 (A) by striking “50 grams” and inserting
3 “5 grams”; and

4 (B) by striking “500 grams” and inserting
5 “50 grams”; and

6 (2) in subsection (b)(2)(H)—

7 (A) by striking “5 grams” and inserting
8 “3 grams”; and

9 (B) by striking “50 grams” and inserting
10 “30 grams”.

11 **SEC. 302. SMUGGLING METHAMPHETAMINE OR METH-**
12 **AMPHETAMINE PRECURSOR CHEMICALS**
13 **INTO THE UNITED STATES WHILE USING FA-**
14 **CILITATED ENTRY PROGRAMS.**

15 (a) **ENHANCED PRISON SENTENCE.**—The sentence
16 of imprisonment imposed on a person convicted of an of-
17 fense under the Controlled Substances Act (21 U.S.C. 801
18 et seq.) or the Controlled Substances Import and Export
19 Act (21 U.S.C. 951 et seq.), involving methamphetamine
20 or any listed chemical that is defined in section 102(33)
21 of the Controlled Substances Act (21 U.S.C. 802(33),
22 shall, if the offense is committed under the circumstance
23 described in subsection (b), be increased by a consecutive
24 term of imprisonment of not more than 15 years.

1 (b) CIRCUMSTANCES.—For purposes of subsection
2 (a), the circumstance described in this subsection is that
3 the offense described in subsection (a) was committed by
4 a person who—

5 (1) was enrolled in, or who was acting on behalf
6 of any person or entity enrolled in, any dedicated
7 commuter lane, alternative or accelerated inspection
8 system, or other facilitated entry program adminis-
9 tered or approved by the Federal Government for
10 use in entering the United States; and

11 (2) committed the offense while entering the
12 United States, using such lane, system, or program.

13 (c) PERMANENT INELIGIBILITY.—Any person whose
14 term of imprisonment is increased under subsection (a)
15 shall be permanently and irrevocably barred from being
16 eligible for or using any lane, system, or program de-
17 scribed in subsection (b)(1).

18 **SEC. 303. MANUFACTURING CONTROLLED SUBSTANCES ON**
19 **FEDERAL PROPERTY.**

20 Subsection (b) of section 401 of the Controlled Sub-
21 stances Act (21 U.S.C. 841(b)) is amended in paragraph
22 (5) by inserting “or manufacturing” after “cultivating”.

1 **SEC. 304. INCREASED PUNISHMENT FOR METHAMPHET-**
 2 **AMINE KINGPINS.**

3 Section 408 of the Controlled Substances Act (21
 4 U.S.C. 848) is amended by adding at the end the fol-
 5 lowing:

6 “(s) SPECIAL PROVISION FOR METHAMPHET-
 7 AMINE.—For the purposes of subsection (b), in the case
 8 of continuing criminal enterprise involving methamphet-
 9 amine or its salts, isomers, or salts of isomers, paragraph
 10 (2)(A) shall be applied by substituting ‘100’ for ‘300’, and
 11 paragraph (2)(B) shall be applied by substituting
 12 ‘\$1,000,000’ for ‘\$10 million dollars.’”.

13 **TITLE IV—ENHANCED ENVIRON-**
 14 **MENTAL REGULATION OF**
 15 **METHAMPHETAMINE BY-**
 16 **PRODUCTS**

17 **SEC. 401. DESIGNATION OF BY-PRODUCTS OF METH-**
 18 **AMPHETAMINE LABORATORIES AS HAZ-**
 19 **ARDOUS MATERIALS AND WASTE UNDER**
 20 **HAZARDOUS MATERIALS TRANSPORTATION**
 21 **ACT AND SOLID WASTE DISPOSAL ACT.**

22 (a) HAZARDOUS MATERIALS TRANSPORTATION
 23 ACT.—The Secretary of Transportation, after consulta-
 24 tion with the Attorney General, shall utilize the authority
 25 provided by section 5103 of title 49, United States Code,
 26 to designate as hazardous materials for purposes of chap-

1 ter 51 of such title those by-products of the methamphet-
2 amine-production process that the Secretary determines
3 may pose an unreasonable risk to health and safety or
4 property when transported in commerce in a particular
5 amount and form.

6 (b) SOLID WASTE DISPOSAL ACT.—The Adminis-
7 trator of the Environmental Protection Agency, after con-
8 sultation with the Attorney General, shall utilize the au-
9 thority provided by section 3001 of the Solid Waste Dis-
10 posal Act (42 U.S.C. 6921) to designate as hazardous
11 waste for purposes of such Act (42 U.S.C. 6901 et seq.)
12 those by-products of the methamphetamine-production
13 process that the Administrator determines are likely to
14 cause long-term harm to the environment in the event of
15 improper disposal and inadequate remediation.

16 (c) TIME FOR DESIGNATION; ADDITIONAL DESIGNA-
17 TIONS.—The designations required by subsections (a) and
18 (b) shall be completed not later than 18 months after the
19 date of the enactment of this Act. After the expiration of
20 such 18-month period, if the Secretary of Transportation
21 or the Administrator of the Environmental Protection
22 Agency determines that additional by-products of the
23 methamphetamine-production process meet the criteria for
24 designation pursuant to subsection (a) or (b), respectively,
25 then the Secretary or the Administrator (as the case may

1 be), after consultation with the Attorney General, shall
2 designate the by-products accordingly.

3 **SEC. 402. CLEANUP COSTS.**

4 Section 413(q) of the Controlled Substances Act (21
5 U.S.C. 853(q)) is amended—

6 (1) in the matter preceding paragraph (1), by
7 inserting “, the possession, or the possession with in-
8 tent to distribute, ” after “manufacture”; and

9 (2) in paragraph (2), by inserting “, or on
10 premises or in property that the defendant owns, re-
11 sides, or does business in” after “by the defendant”.

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